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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,161	07/24/2000	Yasuharu Iwaki	Q58742	5436

7590

05/17/2005

Sughrue Mion Zinn MacPeak & Seas PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3202

EXAMINER
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NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/624,161

Applicant(s)

IWAKI, YASUHARU

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12, 14 and 17-23 is/are allowed.
- 6) ☒ Claim(s) 13 and 15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 3, 2005 has been entered.

Applicant amended claims 1, 13, 14, 15, 19.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matama (US Patent No. 5,739,922).

Concerning claim 13, Matama discloses an image processing apparatus (Fig.1) comprising an image amount computing unit (10) for computing a proper amount of image component based on image data of an image of an original delivered from an image input unit (1) by which the image data of the image of the original was input by photo-electrically reading the image of the original; an image processing unit (13, 14) for performing image processing

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based on the proper amount of image component computed by the image amount computing unit to thereby produce a processed image; a display unit (11) for displaying for monitoring the processed image obtained by the image processing unit; and a verifying unit (11A) in which an operator performs an input operation for verifying an image belonging to a group of images in which image processing is performed in different directions for the proper amount of image component computed by the image amount computing unit; wherein the input operation for verifying the image is performed by the operator prior to the image processing (col. 10, line 13 – col. 11, line 15; col. 21, lines 31-59).

Matama does not directly teach that the computing unit 10 is for computing a proper amount of image correction. However, it is noted that the signal S1 input from the user via interface 12 is for computing gain M, gain H, or for calculating the degrees of the emphasis and the restriction which is consider as the proper amount of image correction since Matama teaches that a correction amount can be specified or calculated based on the signal S1 or selected conditions input from the operator (col. 5, lines 19-26; col. 21, lines 31-59). It would have been obvious to one skilled in the art at the time the invention was made to consider the computing unit 10 in Matama is for computing a proper amount of image correction since Matama teaches that the user can enter a correction amount such that a desired image processing can be carried out and the menu 11A is for selecting different sharpness process for graininess restriction and sharpness emphasis process which is considered as image correction process.

Concerning claim 15, Matama discloses an image processing method (Fig.1) comprising the steps of computing a proper amount of image component (10) based on image data of an image of an original input by photo-electrically reading the image of the original (1); performing

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image processing (13, 14) based on the thus computed proper amount of image component; and outputting a processed image (16) based on results of the image processing; wherein an image belonging to a group of images in which correction is performed in different directions for the proper amount of image component is identified and displayed on a display unit (11) to ask for an operator's input instruction prior to the image processing (col. 10, line 13 – col. 11, line 15; col. 21, lines 31-59).

Matama does not directly teach that the computing unit 10 is for computing a proper amount of image correction. However, it is noted that the signal S1 input from the user via interface 12 is for computing gain M, gain H, or for calculating the degrees of the emphasis and the restriction which is consider as the proper amount of image correction since Matama teaches that a correction amount can be specified or calculated based on the signal S1 or selected conditions input from the operator (col. 5, lines 19-26; col. 21, lines 31-59). It would have been obvious to one skilled in the art at the time the invention was made to consider the computing unit 10 in Matama is for computing a proper amount of image correction since Matama teaches that the user can enter a correction amount such that a desired image processing can be carried out and the menu 11A is for selecting different sharpness process for graininess restriction and sharpness emphasis process which is considered as image correction process.

***Allowable Subject Matter***

4. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is an Examiner's Statement of Reasons for Allowance: Claim 16 is objected over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches an image processing method as claimed in claim 15 wherein the image for which the correction is performed in the different directions is a failure image and the group of the images is a group that contains images taken with unusual types of light sources and images having a color failure, and a group that contains images taken with backlight and images taken with an electronic flash.

6. Claims 1-12, 14, 17-23 are allowed.

7. The following is an Examiner's Statement of Reasons for Allowance: Claims 1-12, 14, 17-23 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches an image processing apparatus and method comprising means for or steps of automatically computing a proper amount of image correction based on image data of an image of an original wherein the proper amount of the image correction automatically computed by the image correction amount computing unit is evaluated for a degree of correctness and a warning is given when the degree of correctness is low and wherein the evaluation for the degree of correctness is performed prior to the image processing.

### ***Conclusion***

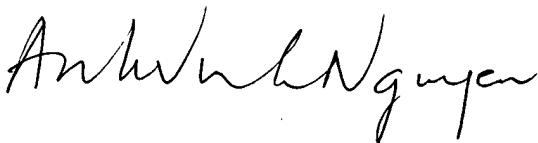
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- a. Narushima et al (US Patent No. 6,831,755) discloses a printer having image correcting capacity.
  - b. Kumada et al (US Patent No. 5,408,342) teaches a color image processing apparatus provided with a color correction information memory.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

May 5, 2005